

**OPINION  
51-114**

November 26, 1951           (OPINION)

MOTOR VEHICLES

RE:   Width, Height & Length Limitations

You have requested the opinion of this office relative to chapter 254 of the 1951 Session Laws.

Chapter 254 amends and reenacts subsections 1, 2, and 3 or section 39-1204 of the North Dakota Revised Code of 1943, as amended. It provides for width, height and length limitations of motor vehicles. Specifically it provides for a total outside width limitation, including load thereon, of eight feet. This limitations, however, does not apply to:

- (1) Construction and building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, the moving equipment shall not exceed ten feet,
- (2) Nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset.

Specifically, you question whether or not the term "implements of husbandry" include hay racks, hydraulic lifts used to move entire portions of hay stacks and similar equipment used to transport hay from the hay fields to the farms.

An implement of husbandry is generally defined as something necessary to the carrying on of the business of farming, without which the work cannot be done. A general test is whether or not the implement is primarily designed and used for agricultural purposes.

It is our opinion that hay racks, hydraulic lifts used to move entire portions of hay stacks and similar equipment used to transport hay from the fields to the farms are "implements of husbandry" within the above provision, and consequently that such implements are not subject to the general width restrictions if they are "temporarily propelled or moved upon the highways of this state between sunrise and sunset".

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